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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/615,089

07/08/2003

Xin Jin

H10230/CFR

8689

1333

7590

10/13/2006

PATENT LEGAL STAFF
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EXAMINER

NOTE, JANIS L

ART UNIT

PAPER NUMBER

1756

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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**Failure to Acceptably Respond to
Notice of Non-Compliant Amendment (37 CFR 1.121)
No New Time Period for Reply is Provided**

The amendment document filed on 7/28/06 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 6/30/06. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other see attached
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officflyer.pdf>.

Supervisory Legal Instruments Examiner (SLIE)

571-277-1021
Telephone No.

Art Unit: 1756

Attachment: Failure to Acceptably Respond to Notice of NON-COMPLIANT AMENDMENT (37 CFR 1.121)

Only the corrected sections of the non-compliant amendment document must be resubmitted (in its entirety). In this case, the entire "Amendment to the specification" section of applicants' amendment document filed on Jul. 28, 2006, must be resubmitted. 37 CFR 1.121(h).

Applicants' "Amendment to the specification" section filed on Jul. 28, 2006, did not address any of the non-compliant issues raised in the last Notice of non-compliant amendment mailed on Jun. 30, 2006. See the Notice of non-compliant amendment mailed on Jun. 30, 2006, Item C, pages 2-3. The non-compliant issues raised in the Notice of non-compliant amendment mailed on Jun. 30, 2006, are repeated below.

(1) The second amended paragraph at page 2 in the "Amendment the specification" section, is incorrectly identified as replacing "paragraph 2 on page 4" of the specification. The paragraph should have been identified as the paragraph replacing the paragraph beginning at page 23, line 13, of the specification.

37 CFR 1.121(b)(1) states that "[a]mendments to the specification . . . which are considered for amendment purposes to an amendment of a paragraph, must be made by submitting: (i) An instruction, which unambiguously identifies the location, to

Art Unit: 1756

. . . replace a paragraph with one or more replacement paragraphs" (emphasis added).

(2) The amended paragraph replacing "paragraph 1 on page 10" of the specification, merely adds the term "silsesquioxane" at line 3 of the paragraph without using the proper markings to indicate its addition.

The amended paragraph replacing "paragraph 1 on page 11" of the specification, merely deletes the phrase "comprising the silsesquioxanes" from the previously filed paragraph without the proper markings to indicate its deletion.

Applicants have improperly amended the paragraphs.

37 CFR 1.121(b)(1)(ii) states that "[t]he full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters . . ." (emphasis added).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to


Art Unit: 1756

Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLD

Oct. 10, 2006


JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1500
1700